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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

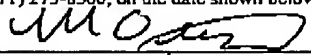
Inventor(s): Steve Mitchell  
Appln. No.: 10/685,139  
Confirm. No.: 4489  
Filed: October 14, 2003  
Title: INTERSPINOUS PROCESS AND  
SACRUM IMPLANT AND METHOD

PATENT APPLICATION

Art Unit: 3733  
Examiner: Hoffman, Mary C.  
Atty. Docket No.: SFMT-01075US1

Customer No. 23910

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Mathew Otis (Signature)  
Signature Date: 7/27/06

INTERVIEW SUMMARY

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

This is a summary of the points of discussion raised during an interview with  
Examiner Hoffman of the USPTO and Mr. Sheldon Meyer and Dr. Anthony Craig on  
behalf of the Applicant, on Thursday 20 July, 2006 at 10:00AM (PCT).

During the interview Examiner Hoffman was asked whether, with reference to  
independent claims 1, 7, 26 and 43, negative limitations could be used to distinguish the  
invention over the Lee reference.

With respect to a proposed amendment to claim 1, if the "base was hung on the  
vertebrae", Examiner Hoffman indicated the claim would be rejected based on 35 U.S.C.  
101 claim to non statutory subject matter. Examiner Hoffman also indicated that this

type of rejection could be avoided by using the language "base is adapted to be hung on the vertebrae".

With respect to claims 7 and 26, the Examiner indicated that she would need more time to consider whether "a spacer necessarily is in contact with the base" or whether "the device contacts the beam directly" respectively.

The Examiner suggested that with respect to claim 43, the claim was not clearly written, but that in general disavowing a hook to latch from the opposite direction, if clearly defined, could be used to distinguish over Lee.

The undersigned thanks Examiner Hoffman for her helpful insights.

Respectfully submitted,

Date: 7/27/06

By: 

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